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TO RUEHC/SECSTATE WASHDC 0724
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UNCLAS ABU DHABI 003160

SIPDIS

SENSITIVE

STATE FOR DRL, G/IWI, NEA/ARPI, NEA/PI, AND NEA/PPD

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SUBJECT: NEW UAE FAMILY LAW

11. (U) ON JULY 11, THE FEDERAL CABINET APPROVED A PERSONAL STATUS LAW COVERING MARRIAGE, LEGAL COMPETENCE, GUARDIANSHIP, WILLS, INHERITANCE, AND ENDOWMENT. SIGNIFICANTLY, THE NEW DRAFT LAW GRANTS UAE WOMEN THE RIGHT TO DIVORCE THEIR HUSBANDS. CURRENTLY A WOMAN CAN SEEK DIVORCE THROUGH COURTS, BUT CAN ONLY OBTAIN IT WITH HER HUSBAND'S APPROVAL. WOMEN REQUESTING DIVORCE WOULD BE REQUIRED TO PETITION THE SHARI'A COURT AND PAY COMPENSATION (OR RETURN THE DOWRY) TO THEIR HUSBANDS.

12. (U) ACCORDING TO THE DRAFT LAW, A WIFE COULD ASK FOR A "KHULO" DIVORCE ("KHULO" IS THE ISLAMIC TERM FOR A DIVORCE GRANTED AT THE REQUEST OF THE WIFE, WITHOUT APPROVAL FROM THE HUSBAND; IT IS PERMITTED IN SOME ISLAMIC COUNTRIES BUT SO FAR NOT IN THE UAE OR ANYWHERE IN THE GULF) ON A WIDE VARIETY OF GROUNDS, INCLUDING DOMESTIC VIOLENCE AND PROLONGED ABSENCE OF THE HUSBAND. IN ADDITION, THE LAW WOULD ALLOW A WOMAN TO DIVORCE HER HUSBAND IF HE IS SERVING A PRISON SENTENCE OF THREE OR MORE YEARS. (NOTE: THIS WOULD APPLY ONLY IF THE HUSBAND HAD ALREADY SERVED AT LEAST ONE YEAR OF HIS PRISON SENTENCE.) THE APPROVED DRAFT LAW PROVIDES FOR THE CREATION OF FAMILY GUIDANCE COMMITTEES IN SHARI'A COURTS. PERSONAL STATUS CASES, INCLUDING DIVORCE CASES, WILL NOT BE ACCEPTED BY THE COURTS UNLESS THEY HAVE FIRST PASSED THROUGH THE FAMILY GUIDANCE OFFICES.

13. (U) ACCORDING TO PRESS REPORTS, OFFICIAL AND PUBLIC REACTION TO THE LAW WAS GENERALLY SUPPORTIVE BECAUSE THEY BELIEVE THE LAW GIVES WOMEN THE FREEDOM TO END UNHAPPY MARRIAGES. HOWEVER, SOME WERE CONCERNED THAT SUCH RIGHTS COULD BE ABUSED. THE HEAD OF DUBAI WOMEN'S ASSOCIATION RESEARCH CENTER SAID THAT THE LAW WOULD PLAY AN IMPORTANT ROLE IN MINIMIZING DOMESTIC VIOLENCE. A JUDGE AT ABU DHABI SHARI'A COURT ADVISED WOMEN TO FOLLOW JUDICIAL CHANNELS BEFORE DECIDING TO RELINQUISH SOME OF THEIR MATERIAL RIGHTS. SOME OF THE LAWYERS WHO HAD PROVIDED INPUT TO THE DRAFT LAW REGARD THE CUSTODY PROVISIONS AS UNFAIR TO WOMEN.

THEY MAINTAIN THAT UNDER THE NEW LAW, A MOTHER AUTOMATICALLY LOSES CUSTODY OF HER DAUGHTERS THE DAY THEY TURN 13 (AT THAT POINT THEY PASS INTO THE CUSTODY OF THEIR FATHERS.)

14. (U) THE DRAFT BILL WAS PREPARED BY THE "LEGISLATION AND FATWA" COMMITTEE, HEADED BY AHMED AL-KUBEISI, A PROMINENT DUBAI-BASED IRAQI ISLAMIC COMMENTATOR WHO APPEARS REGULARLY ON TV HERE. THE GENERAL WOMEN'S UNION REVIEWED THE BILL AND PROVIDED RECOMMENDATIONS. THE DRAFT WOULD NEED SUPREME RULING COUNCIL APPROVAL BEFORE IT IS ENACTED.

15. (SBU) COMMENT: THE NEW DIVORCE PROVISION EMPOWERS UAE WOMEN, ALTHOUGH IT IS STILL UNCLEAR WHETHER THE FINANCIAL LOSSES THAT WOMEN COULD FACE WHEN DIVORCING THEIR HUSBANDS MIGHT IN SOME CASES OUTWEIGH THE DECISION TO DIVORCE. END COMMENT.

SISON